



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-16-18

Property Address: 1025 Gregg Street

Property Owner: Theyer Custom Homes, Inc.

Project Contact: Isabel Mattox

Nature of Case: A request for a variance affording complete relief from the Neighborhood Transition requirements set forth in Sections 3.5.1. and 3.5.2.A. of the Unified Development ordinance in order to eliminate required transitions associated with the construction of two detached houses, each used for single-unit living, on individual lots subdivided out of the existing .4 acre parcel zoned Residential Mixed-Use-3 and located at 1025 Gregg Street.

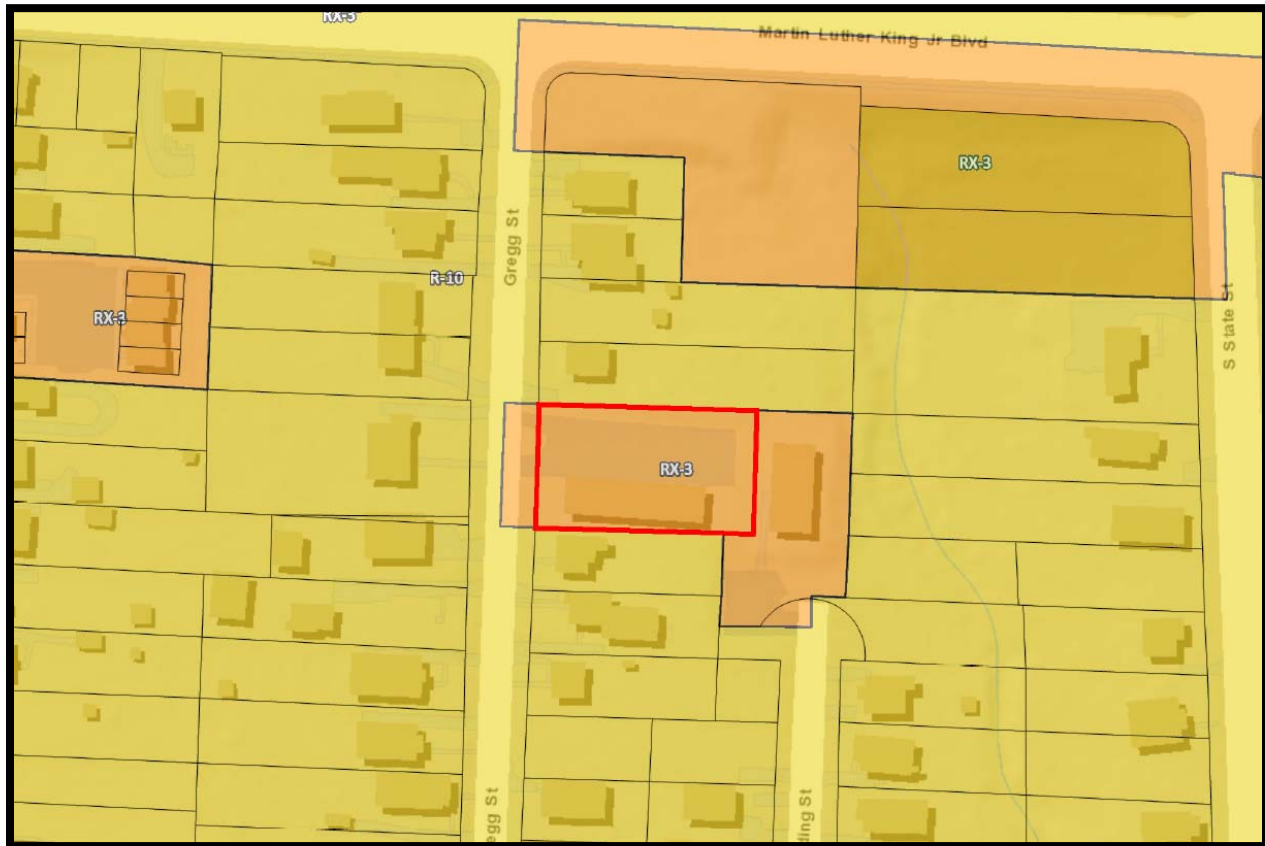


1025 Gregg Street– Location Map

To BOA: 2-12-18

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential Mixed-Use-3



1025 Gregg Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential Mixed-Use-3

<u>Yard Type</u>	<u>Minimum Setback (Principal Bldg)</u>
Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	10'
Rear	20'

Article 3.5. Neighborhood Transitions

Sec. 3.5.1. Applicability

- A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:
1. The site immediately abuts a district boundary of an R-1, R-2, R-4 or R-6 district, except where the abutting property contains a civic use; or
 2. The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house or attached house used for residential purposes.
- B. Zone B does not apply to sites 50 feet or less in depth. In such cases, Zone C starts immediately adjacent to the Zone A protective yard.
- C. Zones B and C do not apply to detached house, attached house, townhouse or apartment building types in RX- where 3 stories is the maximum height.
- D. Where an intervening alley is located between the residential property and the Mixed Use District or Campus District, the transition regulations apply. One-half of the width of the alley shall be included in the required transition yard measurement and shall be first applied to the required width of Zones A and B and then to Zone C. In all cases, landscaping, fences and walls shall not be required where there is an intervening alley.

Sec. 3.5.2. Transition Zones

A. Zone A: Protective Yard

1. **Intent**
Intended to buffer and screen. Consists of vegetative landscaping and wall or fence. No buildings or structures allowed.
2. **Location**
Immediately abutting district boundary line.
3. **Width**
Varies (depends on protective yard type applied).

B. Zone B: Use Restricted

1. **Intent**
Intended to be occupied by open areas and low intensity uses, such as surface parking, alleys, landscaping, playgrounds, outdoor dining, community serving buildings and service-related structures.

2. Location

Located between Zone A and Zone C. Zone B starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line) and ends 50 feet from the district boundary line.

3. Width

50 feet from the district boundary line.

C. Zone C: Height and Form

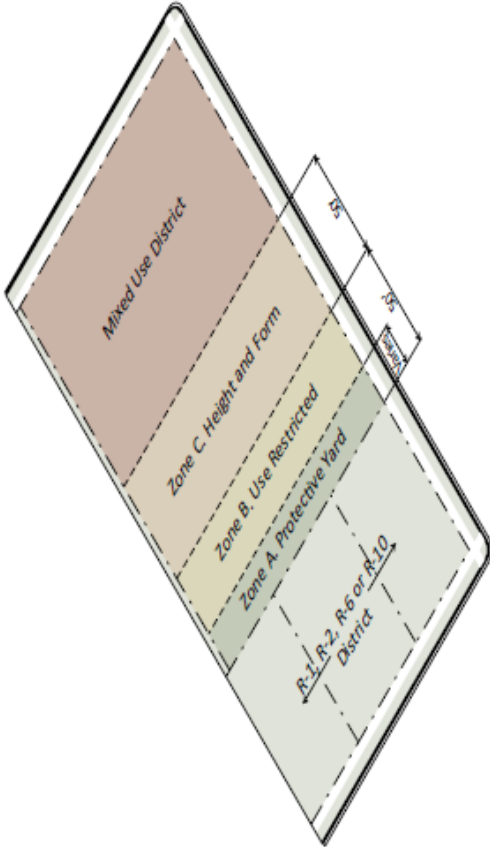
1. **Intent**
Intended to restrict the height and form of development so as to decrease the impact of new multi-story structures.

2. Location

Located beyond and adjacent to Zone B. Zone C extends from 50 to 100 feet from district boundary line. When Zone B does not exist, Zone C starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).

3. Width

50 to 100 feet from the district boundary line. When Zone B does not exist, Zone C extends a maximum of 50 feet from inside edge of the Zone A protective yard (edge furthest from the district boundary line).



Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST		OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet):		Transaction Number A-16-18
See attached Exhibit A.		
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.		
S-47-17 - TRN 524004		

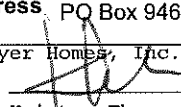
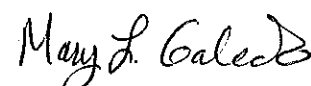

GENERAL INFORMATION			
Property Address 1025 Gregg Street			Date January 12, 2018
Property PIN 1713-04-8255		Current Zoning RX-3	
Nearest Intersection Gregg Street and Martin Luther King Jr. Boulevard			Property size (in acres)
Property Owner Thayer Custom Homes, Inc. (a/k/a Thayer Homes, Inc.)		Phone	Fax
Owner's Mailing Address PO Box 91746, Raleigh, NC 27675-1746		Email	
Project Contact Person Isabel Worthy Mattox		Phone 919-828-7171	Fax 919-831-1205
Contact Person's Mailing Address PO Box 946, Raleigh, NC 27602		Email Isabel@mattoxfirm.com	
Property Owner Signature By:  Thayer Homes, Inc. Kristen Thayer, President		Email	
Notary Sworn and subscribed before me this <u>12th</u> day of <u>January</u> , 20 <u>18</u>		Notary Signature and Seal  	

EXHIBIT A
TO
VARIANCE REQUEST

1025 Gregg Street -- Thayer Homes, Inc.

REQUEST. Applicant requests a variance affording complete relief from the Neighborhood Transition requirements set forth in UDO Sections 3.5.1 and 3.5.2.A based on the following.

Intent. Applicant is redeveloping a property which is currently the site of a quadraplex and is zoned RX-3. Based on the mixed use zoning and development of a residential property where three (3) stories is the maximum height, Zones B and C do not apply, however Zone A does apply, requiring either (i) a 10-foot landscaped yard with a 6.5 foot to 9 foot wall or (ii) a 20-foot landscaped yard with a 6.5 foot to 9 foot fence or wall on both the north and south property lines.

Applicant intends to remove the quadraplex and subdivide the lot into 2 residential building lots and construct 2 single family homes as if the property were zoned R-10, mimicking the R-10 zoning of the properties on both the north and south sides, as shown on the Proposed Subdivision Plan attached as Exhibit A-1.

Hardship. Hardships which make the maintenance of the Neighborhood Transition Zone A difficult and unnecessary include:

- A. If a Type 2 Zone A yard were maintained, fifty percent (50%) of the width of the current lot would be consumed with this transition area and side setbacks and significant additional expense will be incurred for a fence and heavy landscaping to buffer single family residences from each other. This would leave only 25 feet of land per lot in which to build the home.
- B. If a Type 1 Zone A yard were maintained, thirty percent (30%) of the width of the current lot would be consumed with this transition area and side setbacks and significant additional expense will be incurred for a masonry wall and heavy landscaping to buffer single family residences from each other. The wall would create a fortress effect around these 2 homes and will disrupt the rhythm of the neighborhood. This would leave only 35 feet of land per lot in which to build the home.

In either case, the provision of Zone A yards will limit the availability of land to be redeveloped with new single family houses and will have a negative impact

on the aesthetics and functionality of the new houses. Similarly these buffers will have a negative effect on the appearance of the neighborhood.

Conditions. To ensure that the Property is developed consistent with the properties to the north and south which are in the R-10 zoning district, Applicant is willing to condition its property as follows:

1. Uses on the Property shall be limited to those uses permitted in the R-10 zoning district. No attached dwellings, townhouses or apartment building types shall be permitted.
2. Height of any buildings on the Property shall not exceed three (3) stories or 40 feet.
3. The Property shall not include more than two (2) residential building lots.

[illegible]

**1025 GREGG STREET
PROPOSED SUBDIVISION PLAN**

**1025 GREGG STREET
PROPOSED SUBDIVISION PLAN**

RALEIGH

SHEET
NO. 1 OF 1

DEVELOPMENT ENGINEERING, INC.
Professional Engineering Consultants
244 W. Millbrook Road, Raleigh, NC 27609
P. O. Box 17705, Raleigh, NC 27619
www.d-e-inc.com
Phone: 919-847-8300
Fax: 919-847-2130
E-mail: Office@d-e-inc.com

SCALE: 1" = 40'
ORIGINAL DATE: 01-12-18
LATEST REVISION DATE:
PROJECT NO.: 17-137

S-47-17
TRN#
524004

1713048255
THAYER CUSTOM HOMES INC
PO BOX 91746
RALEIGH NC 27675-1746

1713046113
WELLS, JAMES JR
908 OLD ZEBULON RD
WENDELL NC 27591-9338

1713046149
HABITAT IMPROVEMENT LLC
PO BOX 91742
RALEIGH NC 27675-1742

1713046206
SMITH, BARBARA WILLIS
1022 GREGG ST
RALEIGH NC 27601-2748

1713046282
HABITAT IMPROVEMENT LLC
PO BOX 91742
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1713046313
CAPITAL CITY PROPERTY SOLUTIONS, INC
3200 GLEN ROYAL RD STE 104
RALEIGH NC 27617-7419

1713046318
CAPITAL CITY PROPERTY SOLUTIONS, INC
3200 GLEN ROYAL RD STE 104
RALEIGH NC 2761707419

1713048048
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1111 GREGG ST
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1713048133
THAYER INVESTMENTS INC
3200 GLEN ROYAL RD STE 104
RALEIGH NC 27617-7419

1713048138
REVIS, DELORES W
2112 TEE DEE ST
RALEIGH NC 27610-5034

1713048388
JOHNS, ALFRED
1009 GREGG ST
RALEIGH NC 27601-2747

1713048433
JOHNS, ALFRED
1009 GREGG ST
RALEIGH NC 27601-2747

1713049037
SIMMONS, P A
SIMMONS, LOUISE
1104 SPAULDING ST
RALEIGH NC 27610-3862

1713049274
BULLOCK, FREDDIE LEE
1100 SPAULDING ST APT B
RALEIGH NC 27610-3890

1713049302
HINTON, GEORGE D
ADAMS, BARBARA B
1111 GREGG ST
RALEIGH NC 27601-2749

1713049429
WINSTON, SHIRLKEYMU
813 GREENWICH ST
RALEIGH NC 27610-3638

1713140177
HILL, MYRA DARLENE
ADAMS, PERCY
1638 PLANTATION PINE CIR
GARNER NC 27529-5913

1713140192
WADE, CHARLIE GORDON III
WADE, ROSHAUN GORDON
815 COLONIAL DR
RALEIGH NC 27603-4733

1713141261
RINEHART, CLARK NEAL
RINEHART, LAURA BAVERMAN
1118 S STATE ST
RALEIGH NC 27601-2056

1713141266
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PUGH, JOHN C
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RALEIGH NC 27601-2056

1713141344 33
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1713046404
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GEIGER, LYNN MARIE
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RALEIGH NC 27601-2748

1713046008
MICKENS, THORA HOPKINS
2701 GLASCOCK ST
RALEIGH NC 27610-1717

1713140087
PERRY, JAMES HEIRS
C/O VIOLA P MCDONALD EXECUTOR
812 COTTON PL
RALEIGH NC 27601-1618